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July 18, 2000

VIA HAND DELIVERY

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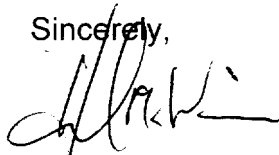
Re: Iberia Communications, L.L.C.
Channel 53, New Iberia, LA
Petition For Rulemaking
March 3, 2000

Dear Madam:

Enclosed for filing are an original and four copies of a supplement to the above-referenced Petition For Rulemaking.

Please contact the undersigned counsel if there are any questions,

Sincerely,



Howard M. Weiss

Enclosure

cc (w/encls.): Mr. John Karousos (by hand)
Mr. Gordon Godfrey (by hand)
John Burgett, Esq.

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Engineering Statement
prepared for
Iberia Communications, L.L.C.
New Iberia, Louisiana
Ch. 53 5000 kW 307 m

ORIGINAL

This engineering statement has been prepared on behalf of *Iberia Communications, L.L.C.* (*Iberia*). *Iberia* is an applicant for vacant NTSC (analog) television Channel 36, allotted to New Iberia, Louisiana (file number BPCT-960612KF, as amended), and has filed a *Petition for Rulemaking* that requests Channel 53 in lieu of Channel 36, due to a conflict with a Digital Television rulemaking proposal on Channel 36. This statement provides a review of the Channel 53 proposal with respect to possible conflict with prospective Class A television stations as a supplement to its earlier filed petition.

Discussion

An allocation study of possible conflicts was conducted with respect to Low Power Television (LPTV) / translator stations that may be eligible for Class A status.¹ The study determined that the following LPTV / translator stations are close enough to *Iberia's* proposed NTSC Channel 53 facility to warrant detailed review:

Channel	Call		City		State	Lat	Distance
Applicant/Licensee						Long	Bearing
=====							
39N	KWBJ-LP	LIC	Zn:	MORGAN CITY	, LA	29-43-15	76.90
				PRICE MEDIA CORPORATION	8.61 kW	0M	91-12-18 135.09
46Z	K58GA	LIC	Zn:	LAFAYETTE	, LA	30-12-49	30.52
				WNTZ-49, INC.	7.41 kW	0M	92- 4-59 270.14
46-	K46CR	LIC	Zn:	BATON ROUGE	, LA	30-36-50	67.73
				MTVN ONLINE L.P.	59.50 kW	0M	91-14- 2 48.90
52Z	K52EV	LIC	Zn:	LEESVILLE	, LA	31-14- 8	178.14
				WNTZ-49, INC.	8.22 kW	0M	93-12- 4 309.87
52Z	WLFT-LP	LIC	Zn:	BATON ROUGE	, LA	30-27- 2	66.39
				TOUCH COMMUNICATIONS, INC.	1.31 kW	0M	91- 7-56 66.51
53-	W53BO	LIC	Zn:	JACKSON	, MS	32-16-53	268.73
				EQUITY BROADCASTING CORPORATION	20.50 kW	0M	90-17-41 31.06

¹The Commission recently created a new class of television stations. See *Establishment of a Class A Television Service*, MM Docket 00-10, FCC 00-115, released April 4, 2000.

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53-	KVVV-LP	LIC	Zn:	HOUSTON	,	TX	29-45-30	351.18
	PAPPAS TELECASTING OF HOUSTON					OM	95-22- 3	262.64
				9.12 kW				
53Z	WLFT-LP	CP	Zn:	BATON ROUGE	,	LA	30-37-24	73.58
	TOUCH COMMUNICATIONS, INC.			50.00 kW		OM	91- 9-50	51.70
53Z	K53FB	CP MOD	Zn:	EL DORADO	,	AR	33-16-19	350.56
	MALCOLM C. COOK, SR.			12.80 kW		OM	92-42-11	345.57
53+	K53FA	LIC	Zn:	ALEXANDRIA	,	LA	31-16- 4	133.53
	VIOLA WEBER			0.81 kW		OM	92-26-24	331.27
54Z	K54FT	CP	Zn:	NEW IBERIA	,	LA	29-57-12	28.85
	GULF MANAGEMENT II, L.L.C.			7.43 kW		OM	91-45-10	177.44
60-	K60GE	CP MOD	Zn:	ALEXANDRIA	,	LA	31-18-24	135.70
	JAMES W. SATTERFIELD			13.90 kW		OM	92-24-12	333.44
60+	K60GH	CP	Zn:	HOUMA	,	LA	29-38-52	121.12
	FOLSE COMMUNICATIONS, L.L.C.			42.00 kW		OM	90-41-34	120.90
67N	K67GL	LIC	Zn:	BUNKIE	,	LA	31- 0-58	96.29
	WHITE KNIGHT B/CING. OF NATCHEZ			8.87 kW		OM	92- 8-58	337.66

Of the stations listed above, contour overlap (or insufficient distance spacing) exists between *Iberia's* proposed NTSC Channel 53 facility with the facilities listed below, under Section 73.613 and/or 74.705 of the Commission's Rules. A description of how the overlap (or spacing) does not create a conflict with Class A television is also provided below.

<u>Station</u>	<u>Channel</u>	<u>Disposition</u>
K58GA (Lic)	46	see Note 1
K46CR (Lic)	46	see text below
WLFT-LP (Lic)	52	see Note 2
WLFT-LP (CP)	53	see Note 2
W53BO (Lic)	53	see Notes 1, 3
KVVV-LP (Lic)	53	see Notes 1, 3
K53FA (Lic)	53	see Note 1
K54FT (CP)	54	see Note 1

Note 1: Station is not on the Commission's June 2, 2000 list of stations deemed eligible to file an application for Class A station status, and protection is therefore not required.²

Note 2: Station is on the Commission's June 2, 2000 list of stations deemed eligible to file an application for Class A station status. However, station's channel is outside of the "core"

²See June 2, 2000 Public Notice *Certificates of Eligibility for Class A Television Station Status*, DA 00-1224.

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channels (Channels 2-51). Should station file an application for an in-core channel, issuance of a Class A license to station and corresponding protection from other stations on the in-core channel only begins upon the date of grant of a construction permit for the in-core channel.³ For an eligible LPTV station outside the core, such as station indicated, interference and service area protection is not provided from full service facilities on the out of core channel.⁴

Note 3: Station is on the Commission's June 9, 2000 list of stations that have not certified full compliance with statutory programming requirements and its statement of eligibility was deemed materially deficient and dismissed.⁵ Thus, protection is not required.

Station K46CR (Lic), Channel 46, is on the Commission's June 2, 2000 list of stations deemed eligible to file an application for Class A station status, and it operates on a channel within the core. The K46CR site is 67.7 km from *Iberia's* proposed Channel 53 facility, short of the 100 km required by §74.705(b)(4) (which may be applicable in this instance). This "taboo" restriction (local oscillator) is intended to avoid interference to reception of the higher numbered station (Channel 53) in the vicinity of the lower numbered station (Channel 46). This potential for interference is "one way", in that interference to the lower numbered facility (K46CR) would not occur.⁶

However, the need for consideration of K46CR is believed to be moot. K46CR will be displaced by a nearby co-channel DTV facility, WAFB-DT (Channel 46, Baton Rouge, LA, the same community served by K46CR). WAFB-DT was allotted 958.8 kW at a site 27.5 km from K46CR. A construction permit (BPCDT19991025AEJ) authorizes WAFB-DT to utilize 959 kW effective radiated power at its allotted site on Channel 46. When WAFB-DT commences operation, K46CR will be displaced, as stations eligible for Class A status are not protected from allotted or authorized

³See *Establishment of a Class A Television Service*, MM Docket 00-10, FCC 00-115, released April 4, 2000, at paragraph 103.

⁴ Id.

⁵See June 9, 2000 Public Notice *Dismissal of LPTV Licensee Certificates of Eligibility for Class A Television Station Status*, DA 00-1227.

⁶Should the circumstances outlined in the following paragraph not prevail, Iberia herein agrees to accept interference from the facilities presently authorized for K46CR. A prior waiver of the same "taboo" spacing relationship (for a full-service station) was granted to KHIM(TV), Conroe, Texas (file number BPCT-951026KE, May 31, 1996).

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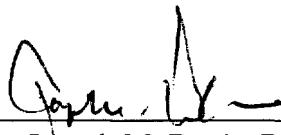
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DTV facilities. Thus, K46CR's operation on Channel 46 is not expected to survive, and any conflict with *Iberia's* proposed NTSC Channel 53 operation will be removed.

Thus, for the reasons outlined above, it is believed that the various stations listed above are not required to be protected by the *Iberia's* proposed NTSC Channel 53 facility. If a waiver of any Rule or policy regarding Class A stations is required, then one is respectfully requested on behalf of the applicant for the reasons stated above.

Certification

Under the penalty of perjury, the undersigned hereby certifies that the foregoing statement was prepared by him or under his direction, and that it is true and correct to the best of his knowledge and belief. Mr. Davis is a principal in the firm of *Cavell, Mertz & Davis, Inc.*, is a Registered Professional Engineer in Virginia, holds a Bachelor of Science degree from Old Dominion University in Electrical Engineering Technology, and has submitted numerous engineering exhibits to various local governmental authorities and the Federal Communications Commission. His qualifications are a matter of record with that entity.



Joseph M. Davis, P.E.
June 22, 2000

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